IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8308 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

CHANDRAKANT CHUNIBHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

Mr. Pushpadatt Vyas for MR BS PATEL for Petitioners

Mr. LR Pujari AGP for Respondent No. 1

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 19/09/2000

ORAL JUDGEMENT

Learned advocate Mr. Vyas has appeared for Mr. Patel for the petitioner. Learned AGP Mr. Pujari has appeared for the respondent authorities. In this petition, the petitioner has challenged the order at

Annexure "A" passed by respondent no.2 under the provisions of the Urban Land (Ceiling and Regulation) Act, 1976 Annexure "A" to the petition.

This Court, while issuing rule thereon, has granted interim relief in terms of para 7(B) of the petition. Today, when the matter has been taken up for hearing, Mr. Pujari learned AGP has produced on record letter dated 12th September, 2000 issued by the competent authority, Baroda and has pointed out that the order under section 8(4) has been passed on 22nd June, 1993 and thereafter, no further proceedings were initiated by the competent authority under section 10(2) to section 10(6) of the Urban Land (Ceiling and Regulation) Act, 1976. Not only that but it is also specifically stated therein by the competent authority that the possession of the land in question has not been taken over by the State Government from the petitioner and, therefore, necessary orders are required to be passed taking into account the effect of the Repeal Act, 1999. The letter dated 12.9.2000 issued by the competent authority Baroda is ordered to be taken on record of this petition.

The Urban Land (Ceiling and Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling and Regulation) Repeal Act, 1999 as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30.3.1999 passed under Art. 252 (2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the orders impugned herein do not survive and all the proceedings under the Urban Land (Ceiling and Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

Therefore, this petition is disposed of as having abated. Rule is discharged. Ad interim relief granted earlier shall stand vacated with no order as to costs.

19.9.2000. (H.K. Rathod,J.)

Vyas